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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v. -

\$160,325,378 IN UNITED STATES CURRENCY,

Defendant-*in-rem*.

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X

STATE OF NEW YORK )  
COUNTY OF NEW YORK : ss.:  
SOUTHERN DISTRICT OF NEW YORK )

DECLARATION OF ASSISTANT  
UNITED STATES ATTORNEY  
TIMOTHY D. CAPOZZI  
20 CIV. 3919 (ER)

TIMOTHY D. CAPOZZI, pursuant to 28 U.S.C. § 1746, affirms under penalty of  
perjury as follows:

1. I am an Assistant United States Attorney in the Office of Audrey Strauss,  
Acting United States Attorney for the Southern District of New York, and attorney for the Plaintiff

herein. I have responsibility for the above-captioned matter, and as such, I am familiar with the facts and circumstances of this proceeding. This Declaration is submitted in support of the Government's application for a Final Judgment of Forfeiture with respect to the following:

i. \$160,325,378 in United States currency (the "Defendant Funds").

2. On or about May 21, 2020, the United States of America (the "United States" or the "Government") filed a Verified Complaint seeking to forfeit the Defendant Funds (D.E. 3).

3. The Verified Complaint alleges that the Defendant Funds are subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C) as constituting proceeds of mail and wire fraud.

4. As described in the Verified Complaint, on or about April 23, 2020, Bank Hapoalim B.M. ("BHBM"), an Israeli bank, entered into a Deferred Prosecution Agreement, wherein BHBM agreed, among other things, to the forfeiture to the United States of \$35,696,929 in United States currency representing the gross fees that BHBM earned on its undeclared accounts between 2002 and 2014.

5. On or about April 23, 2020 Hapoalim (Switzerland) Ltd. ("BHS") entered into a Plea Agreement, wherein BHS agreed, among other things, to the forfeiture to the United States of \$124,628,449, which represents gross fees that BHS earned on its undeclared accounts between 2002 and 2014.

6. On or about May 6, 2020 BHBM and BHS transferred the Defendant Funds to the Government.

7. Pursuant to the DPA and the Plea Agreement, BHBM and BHS agreed to waive service of the Government's Verified Complaint and consented to forfeiture of the Defendant Funds.

8. Beginning on or about May 23, 2020, and continuing through June 21, 2020, the Government published notice of the Verified Complaint against the Defendant Funds, on the official government internet site, [www.forfeiture.gov](http://www.forfeiture.gov) for at least 30 consecutive days, and proof of such publication was filed with the Clerk of this Court on August 6, 2020 (D.E. 5).

9. As set forth in Rule G(4)(a)(ii) and Rule G(5)(a)(ii), the notice of forfeiture specified the Defendant Funds and the intent of the United States to forfeit and dispose of the Defendant Funds, thereby notifying all third parties of their right to file a claim to adjudicate the validity of their alleged legal interest in the Defendant Funds, within sixty days from the first day of publication of the Notice on the official government internet site.

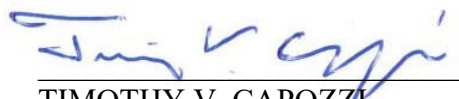
10. BHBM and BHS are the only individuals or entities known to the Government to have a potential interest in the Defendant Funds.

11. No other claims or answers have been filed or made in this action and no parties have appeared to contest the action, and the requisite time periods in which to do so, as set forth in Title 18, United States Code, Section 983(a)(4)(A) and Rule G of the Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims, have expired.

12. Accordingly, the Government respectfully requests that the Court enter the attached proposed Judgment of Forfeiture attached hereto as Exhibit A forfeiting the Defendant Funds to the Government.

13. There has been no prior application for the relief sought herein. I declare the foregoing to be true and correct pursuant to Title 28, United States Code, Section 1746.

Dated: New York, New York  
August 6, 2020

A handwritten signature in blue ink, appearing to read "Tim V. Capozzi", is written over a horizontal line.

TIMOTHY V. CAPOZZI  
Assistant United States Attorney